

ARGUMENTS

Reconsideration and allowance of all the claims of record is respectfully requested. Currently, claims 1-85 are pending in the application. Applicants note that claim 27 was **not** rejected in the Office Action.

Response to Rejections Under 35 U.S.C. §103

Claims 1-8, 14-16, 18, 20-26, 28, 29, 35-37, 39-48, 54-56, 58, 60-69, 75-77 and 80 stand rejected under 35 U.S.C. §103 as allegedly being unpatentable over Othmer et al (U.S. Pat. 6,167,358 hereinafter "Othmer") in view of Wygodny et al (U.S. Pat. 6,282,701 hereinafter "Wygodny"). The applicants submit that the applied references fail to disclose or even remotely suggest the claimed invention.

The presently claimed invention represents a dramatic advance in bug tracking methodology. For example, the illustrative embodiments permit bugs to be efficiently analyzed from the perspective of a project coordinator, a project tester, a game developer, etc.

Initially, page 3 of the Office Action has again incorrectly correlated the claimed "processing user information including a password," as required by claim 1 and the claims dependent therefrom, with Othmer's disclosed "[t]he server uses the user ID to associate static information with a particular client machine" (Col. 13 lines 59-60). Othmer teaches that the server will assign a static ID to each client computer that the system of Othmer is tracking (Col. 13 lines 54-57). This server-assigned ID is used as a flag to allow the server to correctly catalog any data sent from the "black-boxes" on the

clients of Othmer (Col. 13 lines 57-59). There is no mention in Othmer of the claimed information “including a password.” Similar comments apply to claims 22, 41, and 62.

Additionally, the Office Action correctly admits that Othmer does not disclose “at least one bug tracking menu tailored to the user’s role in the software development process.” Applicants note that this identified claim limitation in full context reads “accessing, in response to said user information, at least one bug tracking related menu tailored to the user’s role in the software development process.” Applicants submit that Wygodny fails to resolve the admitted deficiency of Othmer for at least the reasons presented below.

Wygodny discloses a system whereby the same program (BugTrapper) is accessed by every developer every time the developer wishes to create a trace control information (TCI) file. (Col. 5 lines 26-30). While the output TCI may be different, Wygodny does not teach that the program menus change in response to any user information. This means that the BugTrapper does not provide menus accessed in *response* to said user information, but rather that the BugTrapper provides the same menus for all users, *regardless* of user information.

Further, the BugTrapper program when executed does not provide a menu, accessed in response to said user information, *tailored* to the user’s role in the development process. Wygodny only discloses one type of user who would be accessing the BugTrapper, a developer. Since there is only a single type of user, the teachings of Wygodny fail to suggest that there would be different menus provided by BugTrapper

that are accessed *in response* to user information *tailored to a user's role*. All the roles of the users in Wygodny are the same, and while the BugTrapper menus may be tailored to the single role, it would not have been obvious to suggest that BugTrapper provides, *in response to said user information*, menus tailored to different roles in the development process. The words *in response* in the claims indicate that a particular type of tailored menu is accessed responsively, based on a role determined as a result of processing user information.

The teachings of Wygodny do not extend to processing user identification information to determine a user's role. Because all Wygodny users have the same disclosed role, one of ordinary skill in the art would not have been motivated to combine Wygodny with Othmer in such a manner so as to result in the claimed combination..

Also, Othmer teaches using a user ID to keep a record about a user (Col 13 lines 59-60), not to make responsive determinations as to which menus should be provided to a user. Even assuming that one of ordinary skill in the art would have been motivated to combine the teachings of Wygodny and Othmer, the proposed combination would have resulted in a process in which a developer would have a server assigned user ID, and that ID would be used to store information about the developer. There is nothing in Othmer or Wygodny that teaches that the server assigned ID would be used to responsively access a menu tailored to the developer's role in the development process.

Claim 21 has been amended and now requires, *inter alia*, "a first user having a first role in developing said software package" and "a second user having a second role

different from the first role in developing said software package." Othmer teaches that bug tracking data is accessed remotely by a server (Col. 2 lines 30-35). Wygodny teaches that developers, all having the same role, create files for autonomous tracing of code run on end user computers. Neither Othmer nor Wygodny teaches "accessing a bug tracking related menu by a first user having a first role" and "transmitting at least the edited bug related information via the Internet to a second user having a second role different from the first role."

Claims 2-5, 23-26, 43-46 also stand rejected in view of Othmer and Wygodny. The Office Action admits that Othmer does not explicitly disclose "the user is a video game tester."¹ The Office Action cites Wygodny as disclosing a system wherein the user is a video game tester, however this is not believed to be correct. A reading and a text-search of Wygodny produces no references to "videogame," "video game," or even simply "game." Nothing in Wygodny teaches the user having any association with any type of game. Accordingly, Wygodny fails to overcome the shortcomings of Othmer with respect to these claims. Thus, even if Othmer and Wygodny were combined as proposed by the Examiner, the combination would not have taught, or suggested, a video game tester and/or a bug tracking system tailored to video game testers (as required by claims 2, 23, and 43), a video game project coordinator and/or a bug tracking system tailored to video game project coordinators (as required by claims 3, 24, and 44), a video game

¹ While the quoted language is present in claims 2, 23, and 43, the word "tester" has been replaced by the words "project coordinator," "developer," and "translator" in other claims. Applicants assume that the Office Action intended to state that these other types of users were not explicitly taught by Othmer either, since none of these terms appear in Othmer.

developer and/or a bug tracking system tailored to video game developers (as required by claims 4, 25, and 45), nor a video game translator and/or a bug tracking system tailored to video game translators (as required by claims 5, 26, and 46).

Independent claim 61 requires, among other things, a computer system for use by a software developer, a second computer system for use by a software tester, and a third computer system for use by a software project coordinator. Nothing in Othmer or Wygodny discloses a system containing at least the three aforementioned computer systems. For at least this reason claim 61 and the claims dependent therefrom are not obvious in view of Othmer and Wygodny.

Claims 9-13, 30-34, 49-53 and 70-74 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Othmer and Wygodny in view of Johndrew et al. (U.S. Publication no. 2001/0049697, hereinafter "Johndrew"). The applicants submit that these applied references fail to disclose or suggest the claimed invention set forth in the rejected claims.

All of the comments made above with respect to base independent claims 1, 21, 41 and 61 apply equally to dependent claims 9-13, 30-34, 49-53 and 70-74, respectively. Further, with respect to these claims, Johndrew fails to remedy the above described deficiencies of Othmer and Wygodny. Moreover, Johndrew does not, as page 9 of the Office Action suggests, disclose a method of sorting bugs "wherein said sorting criteria includes video game stage or a video game character or the status of the bug or the type of bug or the reported date of the bug." Johndrew does not teach allowing a user to sort

bugs based on a video game stage, a video game character, the status of a bug, or a reported date of a bug. Under Johndrew's teachings, a user would, for example, have no use in searching for "the reported date of a bug," since a user would not care when a bug was reported. The date of a software patch fixing the bug, as Johndrew discloses, is not the same as the reported date of the bug. The former is useful to a user, while the latter is of practical use for a developer.

Claims 17, 38, 57 and 78 were further rejected under 35 U.S.C. §103(a) as being unpatentable over Othmer and Wygodny in view of admitted prior art (applicants' specification, page 2, lines 9-11, hereinafter "prior art"). Claims 19, 40, 59 and 79 were also rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Othmer in view of Tse (U.S. Patent No. 5,742,754, hereinafter "Tse"). Applicants note that many of the above-indicated dependent claims recite additional specific features which are not disclosed or even remotely suggested by the prior art. Since the independent base claims of each of these dependent claims are believed to be in condition for allowance for the reasons set forth above, there is no present need to address any of these issues in detail. If the Examiner persists in these rejections, however, the applicants request that the Examiner provide specific rejections to the claims in question. Neither the admitted prior art nor Tse resolve the above described deficiencies of the Othmer/Wydogny combination.

Independent claims 21 and 41 have been modified to further distinguish them from the prior art. Applicants submit that the claims are allowable over the cited prior art.

Dependent claim 42 has also been amended to comport with amended independent claim 41.

New claims 81-85 have been added to provide additional protection for the applicants' invention. Independent claim 81 requires, *inter alia*, "a first user having a role in the software development process which is different from a role of at least a second user's in the software development process," "a first bug tracking related menu specifically tailored to the first user's role in the software development process," and "at least a second bug tracking related menu specifically tailored to the second user's role in the software development process, wherein the first and second bug tracking menus are different from each other." This combination of elements is not taught or even remotely suggested by an Othmer/Wygodny combination.

Although by using the applicants' disclosure and claims as a guide, it may be conceivable to modify the applied references to ultimately result in the claimed invention, such a modification would necessarily be based on a hindsight reconstruction of the applicants' invention using the applicants' own claims and disclosure as a guide. A basic mandate inherent in 35 U.S.C. §103 is that a hindsight reconstruction of the applicants' invention shall not be the basis for a conclusion of obviousness. See In re Kamm, 172 U.S.P.Q. 698 (CCPA 1972).

Even if it is conceivable that an applied reference could be modified so as to include the claimed invention, such a modification would not have been obvious within the meaning of 35 U.S.C. §103, unless the prior art suggests the desirability of such a

modification. See In re Gordon, 773, F.2d 900 (Fed. Cir. 1984); In re Sernaker, 702 F.2d 989, 217 U.S.P.Q. 1 (Fed. Cir. 1983). Absent any such suggestion, the applicants can only conclude that any continued rejections based upon the applied references must necessarily be grounded upon improper hindsight reconstruction.

In light of the lack of above-identified specific teachings in the applied references, the Examiner has failed to present a *prima facie* case of unpatentability of the claimed invention. Unless such a case is presented, the applicants are entitled to the grant of a patent based upon the present application. See In re Oetiker, 24 U.S.P.Q. 2d 1443, 1444 (Fed. Cir. 1992).


Conclusion

In view of the foregoing, the applicants believe that all the claims are in condition for allowance, and an action to that end is earnestly solicited. If any issues remain to be resolved, the Examiner is urged to contact the applicants' attorney at the telephone number identified below.

KELBAUGH et al.
Appl. No. 09/827,332
April 28, 2006

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
Raymond Y. Mah
Reg. No. 41,426

RYM:sl
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100